STATE OF NEW YORK

6588

2017-2018 Regular Sessions

IN SENATE

June 5, 2017

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend chapter 91 of the laws of 2002, amending the education law and other laws relating to reorganization of the New York city school construction authority, board of education and community boards, in relation to extending the effectiveness of certain provisions thereof; to amend chapter 345 of the laws of 2009, amending the education law and other laws relating to the New York city board of education, chancellor, community councils and community superintendents, in relation to extending the effectiveness of certain provisions thereof; and to amend the education law, in relation to the membership of the city-wide council on special education, city-wide council on English language learners, and the city-wide council on high schools of the city school district of the city of New York, and the membership and powers of the community district education councils of such city school district

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 34 of chapter 91 of the laws of 2002, amending the education law and other laws relating to reorganization of the New York city school construction authority, board of education and community boards, as amended by section 1 of part O of chapter 73 of the laws of 2016, is amended to read as follows:

§ 34. This act shall take effect July 1, 2002; provided, that sections one through twenty, twenty-four, and twenty-six through thirty of this act shall expire and be deemed repealed June 30, [~~2017~~] 2019 provided, further, that notwithstanding any provision of article 5 of the general construction law, on June 30, [~~2017~~] 2019 the provisions of subdivisions 3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs b, d, and e of subdivision 15, and subdivisions 17 and 21 of section 2554 of the education law as repealed by section three of this act,

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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subdivision 1 of section 2590-b of the education law as repealed by section six of this act, paragraph (a) of subdivision 2 of section 2590-b of the education law as repealed by section seven of this act, section 2590-c of the education law as repealed by section eight of this act, paragraph c of subdivision 2 of section 2590-d of the education law as repealed by section twenty-six of this act, subdivision 1 of section 2590-e of the education law as repealed by section twenty-seven of this act, subdivision 28 of section 2590-h of the education law as repealed by section twenty-eight of this act, subdivision 30 of section 2590-h of the education law as repealed by section twenty-nine of this act, subdivision 30-a of section 2590-h of the education law as repealed by section thirty of this act shall be revived and be read as such provisions existed in law on the date immediately preceding the effective date of this act; provided, however, that sections seven and eight of this act shall take effect on November 30, 2003; provided further that the amendments to subdivision 25 of section 2554 of the education law made by section two of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 12 of chapter 147 of the laws of 2001, as amended, when upon such date the provisions of section four of this act shall take effect.

§ 2. Subdivision 12 of section 17 of chapter 345 of the laws of 2009, amending the education law and other laws relating to the New York city board of education, chancellor, community councils and community superintendents, as amended by section 2 of part O of chapter 73 of the laws of 2016, is amended to read as follows:

12. any provision in sections one, two, three, four, five, six, seven, eight, nine, ten and eleven of this act not otherwise set to expire pursuant to section 34 of chapter 91 of the laws of 2002, as amended, or section 17 of chapter 123 of the laws of 2003, as amended, shall expire and be deemed repealed June 30, [~~2017~~] **2019**.

§ 3. Paragraph a of subdivision 4 of section 2590-b of the education law, as amended by chapter 345 of the laws of 2009, is amended to read as follows:

a. There shall be a city-wide council on special education created pursuant to this section. The city-wide council on special education shall consist of [~~eleven~~] **thirteen** voting members and one non-voting member, as follows:

(1) [~~nine~~] **ten** voting members who shall be parents of students with individualized education programs, to be selected by parents of students with individualized education programs**, with two members from each of the five boroughs, of which one parent of a district seventy-five student and one parent of a non-district seventy-five student from each borough shall be selected by the parents of students with individualized education programs** pursuant to a representative process developed by the chancellor. Such members shall serve a [~~two~~] **three** year term;

(2) two voting members appointed by the public advocate of the city of New York, who shall be individuals with extensive experience and knowledge in the areas of educating, training or employing individuals with handicapping conditions and will make a significant contribution to improving special education in the city district. Such members shall serve a [~~two~~] **three** year term; [~~and~~]

(3) **one voting member to be appointed by the city-wide council on high schools. Such member shall serve a three year term; and**

(4) one non-voting member who is a high school senior with an individualized education program, appointed by the administrator designated by

the chancellor to supervise special education programs. Such member shall serve a one year term.

§ 4. Paragraph (a) of subdivision 5 of section 2590-b of the education law, as added by chapter 345 of the laws of 2009, subparagraph (i) as amended by chapter 103 of the laws of 2013, is amended to read as follows:

(a) There shall be a city-wide council on English language learners created pursuant to this section. The city-wide council on English language learners shall consist of eleven voting members and one non-voting member, as follows:

(i) nine voting members who shall be parents of students who are in a bilingual or English as a second language program conducted pursuant to section thirty-two hundred four of this chapter, some of whom may be parents of students who have been in such a program [~~within the preceding two years~~] **at any time in the past**, to be selected by parents of students who receive such services pursuant to a representative process developed by the chancellor. Such members shall serve a [~~two~~] **three** year term;

(ii) two voting members appointed by the public advocate of the city of New York, who shall be individuals with extensive experience and knowledge in the education of English language learners and will make a significant contribution to improving bilingual and English as a second language programs in the city district. Such members shall serve a [~~two~~] **three** year term; and

(iii) one non-voting member who is a high school senior who is or has been in a bilingual or English as a second language program, appointed by the administrator designated by the chancellor to supervise such programs. Such member shall serve a one year term.

§ 5. Subdivision 6 of section 2590-b of the education law, as added by chapter 345 of the laws of 2009, is amended to read as follows:

6. (a) There shall be a city-wide council on high schools created pursuant to this section. The city-wide council on high schools shall consist of thirteen voting members and one non-voting member, as follows:

(i) ten voting members who shall be parents of students attending public high schools. Two members representing each borough shall be selected by presidents and officers of the parents' associations or parent-teachers' associations in the relevant borough, pursuant to a process established by the chancellor. Such members shall serve a [~~two~~] **three** year term;

(ii) one voting member who shall be a parent of a high school student with an individualized education program. Such member shall be appointed by the city-wide council on special education, and shall serve a [~~two~~] **three** year term;

(iii) one voting member who shall be a parent of a student in a bilingual or English as a second language program conducted in a public high school. Such member shall be appointed by the city-wide council on English language learners, and shall serve a [~~two~~] **three** year term;

(iv) one voting member appointed by the public advocate of the city of New York, who shall be a resident of the city and shall have extensive business, trade, or education experience and knowledge who will make a significant contribution to improving education in the city district. Such member shall serve for a term of [~~two~~] **three** years; and

(v) one non-voting member who is a public high school senior, appointed by the chancellor pursuant to a process developed by the chancellor. Such member shall serve a one year term.

Officers of parents' associations or parent-teachers' associations who are candidates in the selection process established by the chancellor pursuant to this subdivision shall not be eligible to cast votes in such selection process. The association shall elect a member to vote in the place of each such officer for purposes of the selection process.

(b) The city-wide council on high schools shall have the power to:

(i) advise and comment on any educational or instructional policy involving high schools;

(ii) issue an annual report on the effectiveness of the city district in providing services to high school students and making recommendations, as appropriate, on how to improve the efficiency and delivery of such services; and

(iii) hold at least one meeting per month open to the public and during which the public may discuss issues facing high schools.

(c) Vacancies shall be filled for an unexpired term by the city-wide council on high schools, pursuant to a process developed by the chancellor that shall include consultation with parents of students attending public high school; provided, however, that where a vacancy occurs in a position appointed by the public advocate, the public advocate shall appoint a member to serve the remainder of the unexpired term.

(d) The eligibility shall be determined at the time of the selection process. Members thus elected to the city-wide council shall serve a full term regardless of any changes in the eligibility status subsequent to the completion of the selection process.

§ 6. Subdivision 1 of section 2590-c of the education law, as amended by chapter 345 of the laws of 2009, paragraph (a) as amended by section 19 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

1. Each community district shall be governed by a community district education council. The community councils shall consist of eleven voting members and one non-voting member, as follows:

(a) Nine voting members shall be parents whose children are attending a school or a pre-kindergarten program offered by a school under the jurisdiction of the community district, or have attended a school or a pre-kindergarten program offered by a school under the jurisdiction of the community district within the preceding two years, and shall be selected by the presidents and officers of the parents' association or parent-teachers' association. Such members shall serve for a term of [~~two~~] **three** years. Presidents and officers of parents' associations or parent-teachers' associations who are candidates in the selection process pursuant to this section shall not be eligible to cast votes in such selection process. The association shall elect a member to vote in the place of each such president or officer for the purposes of the selection process. **The eligibility shall be determined at the time of the selection process. Members thus elected to the council shall serve a full term regardless of any changes in the eligibility status subsequent to the completion of the selection process.** Provided, however, that a parent of a pre-kindergarten pupil shall vacate his or her membership on such community district education council where the parent no longer has a child that attends a school or pre-kindergarten program offered by a school under the jurisdiction of the community district.

(b) Two voting members shall be appointed by the borough presidents corresponding to such district. Such appointees shall be residents of, or own or operate a business in, the district and shall be individuals with extensive business, trade, or education experience and knowledge, who will make a significant contribution to improving education in the

district. Such members shall serve for a term of [~~two~~] three years [~~and may only be reappointed for one additional two year term~~].

(c) One non-voting member who is a high school senior residing in the district, appointed by the superintendent from among the elected student leadership. Such member shall serve for a one year term.

Members shall not be paid a salary or stipend, but shall be reimbursed for all actual and necessary expenses directly related to the duties and responsibilities of the community council.

§ 7. Paragraph (c) of subdivision 8 of section 2590-c of the education law, as amended by chapter 103 of the laws of 2014, is amended to read as follows:

(c) develop selection procedures for community council members which shall attempt to ensure membership that reflects a representative cross-section of the communities within the school district and diversity of the student population including those with particular educational needs, shall include consideration of the enrollment figures within each community district and the potential disparity of such enrollment from school to school within the district[~~, and shall ensure that, to the extent possible, a school may have no more than one parent representative on the community council~~]. Such procedures shall ensure that at least one position on the community council is filled by a parent of a student who is an English language learner or who has been an English language learner [~~within the preceding two years~~] in the past, and at least one position is filled by a parent of a student with an individualized education program, and shall allow for the seven remaining positions to be filled by parents who are otherwise eligible.

§ 8. Subdivision 7 of section 2590-e of the education law, as amended by chapter 123 of the laws of 2003, is amended and two new subdivisions 22 and 23 are added to read as follows:

7. participate in training and continuing education programs pursuant to the provisions of this subdivision.

(1) Community district education council members shall participate in training to acquaint them with the powers, functions and duties of community council members, as well as the powers of other governing and administering authorities that affect education including the powers of the commissioner, city board, chancellor and community superintendents, and the open meetings law, parliamentary procedures and fiduciary responsibilities. Such participation shall be completed no later than three months from the date in which a community council member takes office for the first time.

(2) Each community district education council member shall be required to participate in continuing education programs on an annual basis as defined by the chancellor. [~~Participation in training pursuant to paragraph one of this subdivision by a community district education council member who takes office for the first time shall be deemed to satisfy the requirements of this subdivision for the first year of such member's term.~~]

(3) such training and continuing education programs shall be approved by the chancellor, following consultation with the commissioner, and may be provided by the state education department, the city board, the chancellor or a nonprofit provider authorized by the chancellor to provide such training and continuing education programs.

(4) the chancellor is authorized to promulgate regulations regarding providers and their certification, the content and implementation of the training and continuing education programs. Any such regulations shall be developed after consultation with the commissioner.

(5) such training and continuing education programs shall be offered on an annual basis or more frequently, as needed, to enable community council members to comply with this subdivision.

(6) failure of community council members to comply with the training and continuing education requirements mandated by this subdivision shall constitute cause for removal from office pursuant to section twenty-five hundred ninety-1 of this article.

22. Advise and consent on the appointment of the community superintendent, development of district budgets, district safety plans and district policy.

23. Approve the closing or consolidation of schools within the community district. Any vote may be reversed by a majority of the city board.

§ 9. This act shall take effect immediately; provided, however, that the amendments to section 2590-b of the education law, made by sections three, four and five of this act, shall not affect the expiration of such section pursuant to subdivision 12 of section 17 of chapter 345 of the laws of 2009, as amended, and shall expire and be deemed repealed therewith; provided, further, that the amendments to section 2590-c of the education law, made by sections six and seven of this act, shall not affect the repeal of such section pursuant to section 34 of chapter 91 of the laws of 2002, as amended, and shall expire and be deemed repealed therewith; and provided, further, that the amendments to section 2590-e of the education law, made by section eight of this act, shall not affect the expiration of such section pursuant to section 34 of chapter 91 of the laws of 2002, as amended, and shall expire and be deemed repealed therewith.